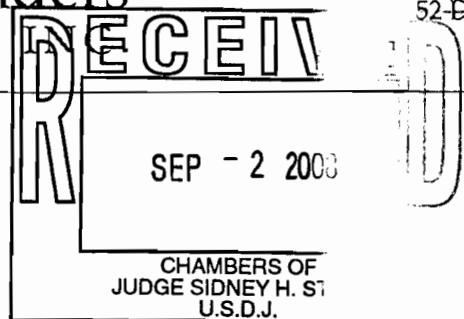


Federal Defenders
OF NEW YORK,

Leonard F. Joy
Executive Director

September 2, 2008



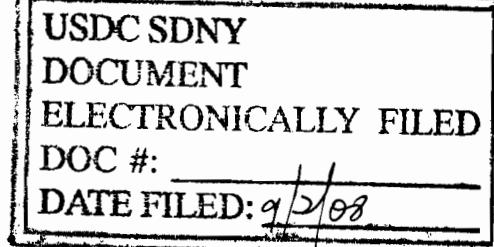
BY FAX

Honorable Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street, Room 1010
New York, New York 10007

MEMO ENDORSED

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

Southern District of New York
John J. Byrnes
Attorney-in-Charge



Re: United States v. Bartis Rafael Peguero
08 Cr. 683 (SHS)

Dear Judge Stein:

I represent Defendant Bartis Rafael Peguero in the above-referenced case. I write to respectfully request a second extension of time to file defense motions, which are currently due on September 4, 2008.

Mr. Peguero has been charged in a one-count indictment with illegal reentry following removal from the United States, in violation of 8 U.S.C. §§ 1326(a) and (b)(2). As of this date, I have not yet received from the Government a transcript or recording of Mr. Peguero's original deportation hearing. Based on my review of the discovery that has been produced, Mr. Peguero may have grounds for a motion to dismiss the indictment based on an illegal deportation. However I cannot make this determination without reviewing a transcript or recording of the deportation proceeding. I have spoken with Assistant United States Attorney Amanda Kramer regarding this matter. She has ordered the recording and states that it should be available by the end of this week. Accordingly, I request that the time to file defense motions be extended until September 25, 2008 to allow adequate time for production and review of the tape. Defendant does not object to the exclusion of time under the Speedy Trial Act during this adjournment.

This is defendant's second request for an extension of time. I have conferred with AUSA Kramer and she consents to this request on behalf of the Government.

The 9/4/08 conference is adjourned to 9/5/08, at 2:15 p.m. The time from today until 9/25/08 is excluded from Speedy Trial Act calculations. The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. 3161(c)(8).

cc: Amanda Kramer, Esq.
Assistant United States Attorney (by fax)

Respectfully submitted,

Sarah Baumgartel

Tel.: (212) 417-8772

SO ORDERED 9/2/08

SIDNEY H. STEIN
U.S.D.J.
TOTAL P.002